



December 11, 2009

Mr. Eddy Lin, MC 206  
Air Quality Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: Chapter 115 Stakeholder Group – Degassing Rule Revisions

Dear Mr. Lin,

LyondellBasell appreciates the opportunity, through the stakeholder process, to provide comments on the potential changes to Chapter 115 degassing rule.

As described in the attached comments, LyondellBasell supports clarification of the TCEQ requirements pertaining to the degassing or cleaning of vessels. TCEQ should consider issuing the clarifications through a guidance document rather than through opening the rule. The comments have been written with suggested changes to specific sections; however, the suggested changes could just as easily be incorporated in a guidance document. Also, TCEQ should avoid any new requirements that would increase the time required for the degassing process.

For further information, please contact me at 281-862-5048.

Sincerely,

Steve Smith  
Manager, Environmental Issues  
LyondellBasell Industries

## **Chapter 115 Stakeholder Group – Degassing Rule Revisions**

### **Comments on Potential Changes**

#### **General Comments**

- 1) It would be helpful if TCEQ adopted a program that requires degassing contractors to register approved technologies and methods. Such a program might be modeled after the vapor tightness certification program for gasoline tank trucks, under which the tank truck owner/operator is responsible for obtaining certification, and the facility at which the tank truck is being loaded is responsible for checking that the tank truck has current certification. In a similar manner, degassing and tank cleaning contractors would be responsible for obtaining and maintaining registration, and the tank owner would be responsible for checking that the contractor has current registration for the unit to be used before allowing work to begin at the facility.
- 2) TCEQ should maintain a listing on their website of registered vapor control contractors and vapor control units and approved alternate test methods. The website listing would provide an accessible database for both the vessel owner and TCEQ enforcement staff to confirm that a contractor was registered and using certified equipment.

#### **Specific Comments**

- 1) The ongoing MSS permit discussions with TCEQ air permitting staff have recognized there are a number of acceptable VOC monitoring methods. The rule should include the VOC concentration monitoring methods that have been included in the MSS permits. In addition, we urge the Agency to synchronize this rule with MSS permits to the extent possible and practical and ensure that requirements are not duplicative or in opposition. One possible way to approach this would be to provide an exemption from the rule for cases where degassing is done in accordance with a valid MSS permit covering that piece of equipment.
- 2) Demonstration of the control efficiency of a vapor control unit should be the responsibility of the owner/operator of the unit. Thus the tank owner would be responsible for demonstrating the control efficiency of vapor control units operated by the facility, but the vendor/contractor would be responsible for demonstrating the control efficiency of mobile vapor control units operated by the vendor/contractor. The control efficiency demonstration should not be required each time the control device is utilized. The requirement should be for an initial demonstration, by the owner of the device and a periodic recertification. Furthermore, the rule needs to clarify that flares do not require measurements of control device efficiency.
- 3) Registration of vapor control units, provided by third party contractors that are used for degassing operations should be required. Vapor control units owned and operated by the vessel owner should not be required to register. As with the demonstration of control efficiency, responsibility for the registration of the unit should remain with third party contractor.

The tank owner should be responsible for acquiring a record of the registration prior to allowing degassing to begin, and for maintaining a record of the registration with the record of tank degassing.

- 4) Prior notification of tank degassing should not be required unless specifically requested by the TCEQ's Regional Office. A petrochemical plant may have fifty or more storage tanks. Product changes and tank maintenance lead to tank degassing taking place potentially on a nearly continuous basis. Scheduling of tank degassing can be quite fluid as maintenance scheduling is adjusted to best accommodate operations. A requirement of prior notification could constrain the flexibility that is needed for efficient use of resources and operation of the facilities. Records of tank degassing would be more appropriate than prior notification for purposes of documenting compliance.
- 5) The term "degassing" should be defined to clarify the circumstances that trigger the requirements of the degassing rule.
  - a. An appropriate definition of "degassing" may be as follows:

"Degas or degassing--The removal or expulsion of vapors from a tank or vessel by means of an air moving device such as an eductor or blower."
  - b. For clarity and consistency, the terms "vented" and "venting" should be replaced with "degassed" and "degassing," respectively. These substitutions should be made in paragraphs §115.542(a)(5) & (6) and §115.542(b)(4) & (5).
- 6) TCEQ should clarify the 12-Hour tank monitoring measurements. Paragraphs §115.542(a)(6) & (b)(5) require measuring the VOC concentration once every 12 hours if the storage tank or transport vessel is vented continuously to the atmosphere, and upon restart of the degassing and cleaning operation if venting to the atmosphere has been suspended for more than four hours. While venting to the atmosphere, measurements must continue until five consecutive readings of VOC concentrations collected at 12 hour intervals are measured to be less than 34,000 ppmv or less than 50% of the LEL. LyondellBasell suggests rewording §115.542(a)(6) & (b)(5) to clarify that the first of the five consecutive readings may be the reading taken upon venting the storage tank or transport vessel to the atmosphere.
- 7) TCEQ should clarify when the degassing provisions of §115.542 apply.
- 8) LyondellBasell supports EPA Test Method 19 as an approved test method consistent with the agency's suggestion during the November 2009 stakeholder meetings